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February 18, 2010

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FEB 18 2010

RECEIVED

**BY HAND DELIVERY**

Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20024

ENTERED  
Office of Procurement

FEB 18 2010

Part of  
Public Record

Re: STB Docket No. FD35349

Dear Acting Secretary Quinlan:

Enclosed for filing in the above-referenced docket, and in accordance with 49 C.F.R. § 1104.7, is an original, with certificate of service, of Norfolk Southern's Unopposed Motion for Extension of Time to answer the Complaint in this matter. Because the current date for filing an answer may be as early as February 22, 2010, expedited consideration is requested.

Please date stamp the extra copy of this filing and return it with our waiting messenger.

Thank you for your assistance.

Sincerely,

*David L. Meyer*

David L. Meyer

Enclosures

cc (with enclosures): Jason C. Pedigo, Esq. (counsel for Complainants)  
John M. Scheib, Esq.

**EXPEDITED CONSIDERATION REQUESTED**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

BRAMPTON ENTERPRISES, LLC  
D/B/A/ SAVANNAH RE-LOAD,

COMPLAINANT,

v.

NORFOLK SOUTHERN RAILWAY  
COMPANY,

DEFENDANT.

Docket No. FD35349

**UNOPPOSED MOTION FOR EXTENSION OF TIME**

Pursuant to 49 C.F.R. § 1104.7, Defendant Norfolk Southern Railway Company ("Norfolk Southern") hereby requests that the Surface Transportation Board extend the time for Norfolk Southern to answer the Complaint that was filed in the above-captioned matter until March 11, 2010.<sup>1</sup> Counsel for Complainant has agreed to the extension sought by this Motion.

Norfolk Southern submits that there is good cause for the Board to grant the extension and waive the requirement that requests for extensions of time be filed not less than 10 days before the due date. Norfolk Southern became aware of the Complaint only as a result of the Complainant's providing a copy to counsel representing Norfolk Southern in a related court action. Complainant also states that it sent a copy to a Norfolk Southern officer, and Norfolk Southern yesterday located such a copy, but has no record

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<sup>1</sup> Norfolk Southern is filing this Motion in the docket referenced on the copy of the Complaint provided by counsel for Complainants. It is unclear whether this is the correct Board-assigned docket reference, as Norfolk Southern would not expect this self-styled "formal complaint" to be treated as a finance docket matter.

of how or when that copy was received. In addition, because the Complaint was apparently filed with the Board along with a request for waiver of the filing fee, the Complaint has not appeared on the Board's website. Norfolk Southern believes that uncertainty over the status of the Complaint's filing and service is best resolved by an extension providing Norfolk Southern with adequate time to respond to the Complaint, as Complainant has agreed.

Additionally, the recent, severe weather in the Mid-Atlantic region delayed Norfolk Southern's efforts to retain counsel, which did not occur until this week, and thus interfered with counsel's ability to consult with Norfolk Southern regarding the matter and investigate the allegations in the Complaint so as to provide an appropriate response.

Norfolk Southern seeks expedited consideration of this motion because an answer to the Complaint would otherwise be due as early as February 22, 2010 (with time calculated from the earliest date on which it could have been received by Norfolk Southern).

Respectfully submitted,



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*Attorneys for Norfolk Southern  
Railway Company*

Dated: February 18, 2010

## CERTIFICATE OF SERVICE

I, Karen E. Escalante, certify that on this date a copy of Norfolk Southern Railway Company's Unopposed Motion for Extension of Time, filed on February 18, 2010, was served by email and by first-class mail, postage prepaid, on all parties of record, specifically:

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Karen E. Escalante

Dated: February 18, 2010